


March 23, 2021

**VIA ECF**

The Honorable Vernon S. Broderick, U.S.D.J.  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 415  
New York, New York 10007

APPLICATION GRANTED  
SO ORDERED   
VERNON S. BRODERICK  
U.S.D.J. 3/26/2021

RE: *U.S. Bank National Association, as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Series 2007-3 v. First Franklin Financial Corporation, Merrill Lynch Mortgage Lending, Inc., and Bank of America Corporation*  
(Case No. 1:19-cv-4890) (“FFMER 2007-3”)

*U.S. Bank National Association, as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Series 2007-4 v. First Franklin Financial Corporation, Merrill Lynch Mortgage Lending, Inc., and Bank of America Corporation*  
(Case No. 1:19-cv-5948) (“FFMER 2007-4”)

Dear Judge Broderick:

On behalf of the Plaintiff-Trustee and Defendants (together, the “Parties”) in the above-referenced FFMER 2007-3 and FFMER 2007-4 actions (the “Actions”), we write pursuant to Your Honor’s December 17, 2020 Orders staying the Actions pending the Trustee’s evaluation of the written offers to settle the Actions (the “Proposed Settlements”) (19-cv-4890, Dkt. No. 65; 19-cv-5948, Dkt. No. 66).

Your Honor’s Orders require that “the Parties report to the Court regarding the status of the Trustee’s evaluation [of the Proposed Settlements] by March 25, 2021.” (*Id.*)

The Plaintiff-Trustee recently received new offers to settle each of the Actions, which provide for larger settlement payments to the FFMER 2007-3 and FFMER 2007-4 Trusts (the “New Settlement Offers”). On February 18, 2021, the Plaintiff-Trustee provided notice of the New Settlement Offer made in the FFMER 2007-3 Action to certificateholders in the FFMER 2007-3 Trust, and on March 11, 2021, the Plaintiff-Trustee provided notice of the New Settlement Offer made in the FFMER 2007-4 Action to certificateholders in the FFMER 2007-4 Trust. The Trustee has solicited direction from certificateholders in the FFMER 2007-3 and 2007-4 Trusts regarding the New Settlement Offers. After receiving the results of those solicitations, the Trustee will determine the next steps in evaluating the New Settlement Offers, which will likely involve retention of an independent expert to advise the Trustee in anticipation of the Trustee seeking instruction in a judicial trust instruction proceeding in Minnesota state court.

In the interest of efficiency and to reduce the burden on the Parties and the Court, the Parties respectfully request that the stays remain in place and that the Parties report to the Court regarding the status of the Trustee’s evaluation of the New Settlement Offers by June 24, 2021.

Hon. Vernon S. Broderick, U.S.D.J.  
*U.S. Bank Nat'l Ass'n v. First Franklin Financial Corp.*  
Case Nos. 1:19-cv-4890 and 1:19-cv-5948  
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We appreciate the Court's consideration of this request, and the Parties are available to address any questions the Court may have.

Respectfully submitted,

**McKOOL SMITH, P.C.**

By: /s/ Christopher P. Johnson

Christopher P. Johnson  
Zachary W. Mazin  
Jared S. Siegel  
One Manhattan West  
395 Ninth Avenue, 50th Floor  
New York, NY 10001  
Telephone: (212)-402-9400  
cpjohnson@mckoolsmith.com  
zmazin@mckoolsmith.com  
jsiegel@mckoolsmith.com

*Attorneys for Plaintiff U.S. Bank National  
Association*

**O'MELVENY & MYERS LLP**

By: /s/ Pamela A. Miller

Pamela A. Miller  
Daniel L. Cantor  
Patrick D. McKegney  
Seven Times Square  
New York, NY 10026  
Telephone: (212)-326-2000  
pmiller@omm.com  
dcantor@omm.com  
pmckegney@omm.com

*Attorneys for Defendants Merrill Lynch  
Mortgage Lending, Inc., and Bank of America  
Corporation*

**MUNGER, TOLLES & OLSON LLP**

By: /s/ Richard C. St. John

Richard C. St. John  
Adam B. Weiss  
350 South Grand Avenue, 50th Floor  
Los Angeles, CA 90071  
Telephone: (213)-683-9100  
richard.stjohn@mto.com  
adam.weiss@mto.com

**MORAN KARAMOUSIZ, LLP**

Siobhan E. Moran  
265 Sunrise Highway, Suite 61  
Rockville Centre, New York 11570  
Telephone: (516) 678-6660  
smoran@mka-law.com

*Attorneys for Defendant First Franklin  
Financial Corporation*